

REMARKS

Entry of the above amendments is respectfully requested. Original claims 1-18 were previously pending. Claims 1-6, 8-10, 12-13 and 18 are hereby amended. Claims 1-18 as amended are now pending. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks which follow.

1. Prior Art Statement

Applicant submits herewith the enclosed Information Disclosure Statement, along with authorization for payment of the surcharge for submission after issuance of the first Office action. None of the art being submitted is believed to be any more relevant than the art cited by the Office and already of record. The art is being submitted at this time only to comply with Applicant's duty of candor.

2. Allowable/Objected Claims

Claims 11 and 14-17 were allowed.

Claims 6 and 7 were deemed allowable if rewritten to include limitations of the rejected base claim 1. Claim 6 is hereby so amended (with the limitations of claim 1 amended to overcome the cited indefiniteness issue discussed below). Claim 7 depends from now amended claim 6.

Claims 2, 3, 10, 12, 13 and 18 were rejected under § 112, second paragraph, but were deemed to recite allowable subject matter. As discussed below, these claims are hereby amended to overcome the cited indefiniteness issues. Further, claim 2 is hereby amended to incorporate the subject matter of claim 1 (as amended to correct the cited indefiniteness issue). Claim 3 depends from amended claim 2. Claim 10 is hereby amended to incorporate the subject matter of claim 9. Claims 12, 13 and 18 depend from allowed claim 11 and hereby amended to correct the indefiniteness issues discussed below.

Further, claims 4, 5 and 8 are hereby amended to depend from allowable amended claim 2.

Thus, claims 2-8 and 10-18 are now believed to be allowable.

3. § 112

Claims 1-8, 13 and 18 were rejected as being indefinite for the reasons stated at page 2 of the above Office action. In particular, claims 1, 10, 12 and 13 were rejected for lacking

antecedent basis for “the component” (claim 1), “said head” (claim 10) and “the reducing width” (claims 12 and 13). Claim 1 is hereby amended to replace “the component” with “the rotating member”, claim 10 is hereby amended to recite that the plurality of cut trees are accumulated on a butt plate of a head supporting said disc saw blade and said stump grinder, and claims 12 and 13 are hereby amended to delete the cited passage.

Claim 2 was rejected for not clearly defining to what the pronoun “its” refers. Claim 2 is hereby amended to replace the pronoun with “the stump”.

Claim 3, 8, 13 and 18 were rejected for lack of clarity of the phrase “to at or near”. These claims are hereby amended to replace this phrase with “essentially”.

The noted amendments are believed to overcome the cited indefiniteness rejections.

4. § 102

A. Rejections and Claim Amendments

As noted above, the only remaining claims not indicated by the Office to be allowable are claims 1 and 9. Claims 1 and 9 were rejected as being anticipated by Itoh (U.S. Pat. No. 6,105,351).

Claim 1 recites a disc saw felling head with a lower stump reducing drum blade. Claim 1 is hereby amended to better define the drum configuration of the stump reducing blade. In particular, as stated above, the claim now recites that the lower stump reducing drum blade has a radially arcuate drum body extending axially a reducing width to present a generally circular cutting swath to the stump. The method claim 9 is amended in a similar manner.

B. Rebuttal of Prior Art Rejections

As an initial matter, the Itoh reference does not disclose a tree felling device, but instead a “light and easy to operate” “mowing machine for cutting plants” (*see* col. 1, lines 30-37), in essence a weed trimmer. Such a device can not be fairly compared to the enormous equipment used to harvest trees and the associated power and forces required to rapidly cut through large tree trunks and grind stumps. Thus, in a general sense, the Itoh reference does not contemplate the invention of claim 1, and it could not be used to accomplish the tree harvesting method recited in claim 9.

More specifically, the Itoh reference does not disclose a device with both a disc saw blade and a drum blade. As the patent states, the Itoh device has “an upper blade disk 3” and a “lower blade disk 4”[emphasis added] (*see* col. 2, lines 22-23). There is no mention or suggestion of a drum blade being used with the device. It appears that the “drum” was not read as a part of the claims when it was compared to the Itoh reference in making the cited rejection. The amendments to claims 1 and 9 were made in an attempt to provide more structural definition to the term “drum” to more clearly distinguish it from a disc.

The drum configuration provides significant advantages for stump grinding that can not be attained with the use of a disc-shaped blade. For example, cutting/grinding teeth can be disposed along multiple axial positions along of the drum thereby increasing the cutting surface and grinding rate. The axial dimension of the drum also allows for various teeth mounting arrangements so that the grinding parameter can be tailored to particular applications. A vertically oriented drum blade also provides a height (or “reducing width” as claimed) to the cutting/grinding edge of the blade so that a greater portion of the stump can be taken down and ground at a time, allowing a single pass to reduce the stump to essentially ground level, as recited in claim 8. Paragraphs 24 and 25 of the application discuss some of the options and advantages of the drum blade configuration.

Accordingly, withdrawal of the claim rejections to claims 1 and 9 as amended is respectfully requested.

C. Other Prior Art

In addition, while it was not used as the basis for rejecting the claims, the Nordstrom reference (U.S. Pat. No. 6,668,880) discloses a forest clearing implement that has a head with a tree cutting disk 140 having cutting and grinding devices 143 at a lower face thereof (*see* col. 5, lines 13-22). However, like the Itoh reference, this patent does not disclose or suggest a drum blade, and therefore, locks a combination disc blade and drum blade cutting head as claimed.

Further, certain of the patents cited in the Information Disclosure Statement submitted herewith, such as U.S. Pat. Nos. 5,419,380; 5,499,771; 5,641,129 and 5,743,315, disclose tree cutting/grinding devices that have teeth mounted to rotating drums. However, none of these disclose or suggest the disc blade and drum blade combination head as claimed. For one thing, many of these use the drum blade in a grinding action to both fell the tree and lower the stump. Also, in each case, the drums are oriented to rotate about horizontal axes, which would be

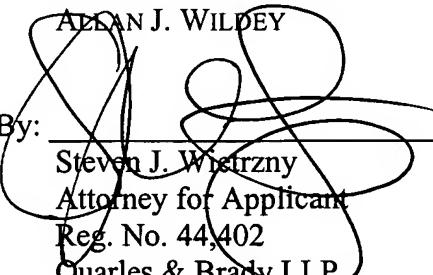
unsuitable for use with the horizontally disposed disc blade used to cut a kerf through the tree. Further, with the drums in such an orientation they would not present a "generally circular cutting swath to a stump in a direction perpendicular to the [vertical] axis" as claimed. Thus, applicant believes claims 1 and 9, and in deed all pending claims, are patentable over the newly cited references.

5. Conclusion

Applicant respectfully asserts that all cited rejections have been overcome by the amendments and remarks herein. The application is now believed to be in condition for allowance, including all of claims 1-18 as amended, and a Notice of Allowance is requested. The Examiner is invited to contact the undersigned at the telephone number below if such would advance the prosecution of this application.

Authorization to charge the fee for submission of the Information Disclosure Statement to Deposit Account No. 17-0055 is given by the enclosed submission. In addition, this amendment has increased the number of independent claims from three (3) to six (6). The \$600 (3 @ \$200) fee for the additional three independent claims should also be charged to this deposit account, along with any other fees deemed necessary.

Respectfully submitted,

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